

# The system of State bodies of India

NAME :- AKASH YADAV

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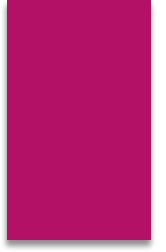
SUBJECT:- LAW

# Introduction

- ▶ The President of India is the head of state of the Republic of India. The President is the formal head of the executive, legislature and judiciary of India and is also the commander-in-chief of the Indian Armed Forces.
- President of India is indirectly elected by an “Electoral College” composed of the elected members of both the houses of Parliament and through the system of proportional representation by

# 1) India President Ram Nath Kovind

- ▶ Ram Nath Kovind is an Indian lawyer and politician serving as the 14<sup>th</sup> and current president of India since his inauguration in 2017.
- ▶ He is also the first person from Uttar Pradesh to serve as President of India.
- ▶ Party:- Bharatiya Janata Party (Joined in 1991)
- ▶ Born :- 1 October 1945
- ▶ He was Central Government Advocate in the Delhi High Court from 1977 to 1979. Between 1977 and 1978, he also served as the personal assistant of Prime Minister of India Morarji Desai



# Qualification for Candidate

1) According to Article 58 of the Constitution, no person shall be eligible for election as President :-

- ▶ Unless he is a citizen of India
- ▶ Has completed the age of thirty-five year
- ▶ Is qualified for election as a member of the House of the People.

2) A person shall not be eligible for election as President if he holds any office of profit under the Government of India or the Government of any State or under any local or other authority subject to the control of any of the said Governments.

# Manner of election and Term of office

- ▶ The President of India is indirectly elected by an electoral college consisting of the elected members of both houses of parliament, the elected members of the Legislative assemblies of the 28 states and the elected members of the legislative assemblies of the Union Territories .
- ▶ The President shall hold office for a term of five years from the date on which he enters upon his office

# Functions

- ▶ The primary duty of the president is to preserve, protect and defend the constitution and the law of India per Article 60. The president appoints the Chief Justice of India and other judges on the advice of the chief justice. The President may dismiss a judge with a two-thirds vote of the two Houses of the parliament.
- ▶ The President is responsible for implementing and enforcing the laws written and, to that end, appoints the heads of the federal agencies, including the Cabinet. The Vice President is also part of the Executive Branch, ready to assume the Presidency should the need arise.
- ▶ The President promulgates ordinances when the Parliament is not in session. He appoints Prime Minister, Council of Ministers, Governors of the states, judges and chief justices of the high court and the Supreme Court.
- ▶ All the International Treaties and negotiations with other countries are signed on his behalf.

# Financial Powers and Functions

- 1)** The President of India also exercises financial powers.
- 2)** No money bill can be introduced in Parliament without the recommendations of the President.
- 3)** According to the Constitution of India, the Annual Financial Statement is placed by the President before both the Houses of Parliament. This statement shows the estimates of revenue and expenditure of the central Government for the next year.



## 2) Legislative Power

- ▶ The powers of the legislature in India are exercised by the Parliament, a bicameral legislature consisting of the Rajya Sabha and the Lok Sabha.
- ▶ Court: Supreme Court of India
- ▶ Upper House: Rajya Sabha
- ▶ Lower House : Lok Sabha
- ▶ The President can summon or end a session of the Parliament and dissolve the Lok Sabha. “He can address the Parliament at the commencement of the first session after the general election and the first session of each year.
- ▶ He can also summon a joint sitting of both the houses of Parliament which is presided over by the Speaker of the Lok Sabha.
- ▶ The President can appoint a member of the Lok Sabha to preside over its proceedings the positions of Speaker as well as Deputy Speaker are vacant.

# FUNCTION

- ▶ The Parliament of India is a bi-cameral legislature. It consists of two houses- Rajyasabha & Lok Sabha and President of India. Parliament makes law with the help of its both the chambers. Laws passed by the parliament and approved by the president are enforced in the whole country.

# Candidate Qualification

- ▶ The person should be a citizen of India.  
Not less than 25 years of age [4] to be a member of the Legislative Assembly and not less than 30 years (as per Article 173 of Indian Constitution) to be a member of the Legislative Council.  
No person can become a member of the Legislative Assembly or the Legislative Council of any state unless the individual is a voter from any constituency of the state. Those who cannot become members of Parliament also cannot become members of the state legislature.  
The person should not be convicted of any offense and sentenced to imprisonment of 2 years or more.

# Manner of Election

- ▶ Members of Lok Sabha (House of the People) or the lower house of India's Parliament are elected by being voted upon by all adult citizens of India, from a set of candidates who stand in their respective constituencies.
- ▶ Every adult citizen of India can vote only in their constituency. Candidates who win the Lok Sabha elections are called 'Member of Parliament' and hold their seats for five years or until the body is dissolved by the President on the advice of the council of ministers.
- ▶ The house meets in the Lok Sabha Chambers of the Sansad Bhavan in New Delhi, on matters relating to the creation of new laws, removing or improving the existing laws that affect all citizens of India. Elections take place once in 5 years to elect 543 members for the Lok Sabha

- Members of **State Legislative Assembly**, are elected directly by voting, from a set of candidates who stands in their respective constituencies.

Every adult citizen of India can vote only in their constituency.

Candidates who win the State Legislative Assemblies elections are called 'Member of Legislative Assembly' (MLA) and hold their seats for five years or until the body is dissolved by the Governor.

The house meets in the respective state, on matters relating to the creation of new laws, removing or improving the existing laws that affect all citizens living in that state.

The total strength of each assembly depends on each State, mostly based on size and population. Similar to the Lok Sabha elections, the leader of the majority party/alliance takes oath as Chief Minister of

# Legislative Powers and Functions

- 1) President is a part of Parliament: The Union Legislature or Parliament consists of the President and two Houses of Parliament. The President is, therefore, an integral part of Union Legislature.
- 2) Nomination: The President nominates a number of members in both Houses .
- 3) Power in respect of Bills: The President has certain functions in respect of passing of a Bill. A bill passed by both the Houses of Parliament requires his assent in order to become an Act. He may give his assent to a bill or can withhold assent when a bill, after getting approved in both the Houses, is placed before the President.
- 4) Bill passed by a State Legislature: A bill passed by a State Legislature may also be reserved for the consideration of the President by the Governor of that State

## 3) Executive Power

- ▶ The Union executive consists of the President, the Vice-President, and the Council of Ministers with the Prime Minister as the head to aid and advise the President.
- ▶ The executive of government is the one that has sole authority and responsibility for the daily administration of the state bureaucracy. The division of power into separate branches of government is central to the republican idea of the separation of powers.

# FUNCTION

- ▶ Article 75 of the constitution mentions that the council of ministers remains in office as long as it enjoys the confidence of the Lok Sabha. The ministers are responsible to the Lok Sabha individually and collectively. Lok Sabha can remove the council of ministers by passing a no confidence motion in the Lok Sabha.



# Government Council of Ministers

- ▶ The Union Council of Ministers includes the prime minister, Cabinet Ministers and Ministers of State .
- ▶ Each minister must be a member of one of the houses of the parliament.
- ▶ The cabinet is headed by the prime minister, and is advised by the cabinet secretary, who also acts as the head of the Indian Administrative Service and other civil services.
- ▶ Other members of the council are either union cabinet ministers, who are heads of various ministries or ministers of state, who are junior members who report directly to one of the cabinet ministers, often overseeing a specific aspect of government or ministers of state who do not report to a cabinet minister.
- ▶ As per article 88 of the constitution, every minister shall have the right to speak in, and to take part in the proceedings of, either house, any joint sitting of the houses, and any committee of parliament of which he may be named a member, but shall not be entitled to a vote in the house where he is not a member.

# Executive Branch /Administrative Structure at Central Government



## Cabinet Office ( Politicians)

- The President
- Vice-Presidents
- Union Ministers
- The Attorney General of the Union.

## Ministries (Politicians)

- Lead by Union Ministers
- Some Ministries have two or more Deputy Ministers
- Some Ministerial Organizations are led by Chairmen (Union Ministers Level) and members (Deputy Ministers Level)

## Departments/ Agencies (Bureaucrats)

- Lead by Director Generals
- Director General positions are appointed by the approval of Cabinet Office.

\* The President is responsible to the Union Parliament.

# Functions

- 1) Head of the Union:** The President is at the head of the Union Executive.
- 2) Appointments:** As head of the executive, the President appoints the Governors of States, the Judges of the Supreme Court and the High Courts, the Auditor General of India and many other high officials, such as the members of Finance Commission, Election commission, Union Public commission.
- 3) Supreme Commander:** As head of State, the President is the supreme Commander of the Armed Forces of India and is entitled to declare war or conclude a treaty.
- 4) Appointment of the Prime Minister and other Ministers:** The President also appoints the Prime Minister and with his advice the other Ministers of the Union Council of Ministers.

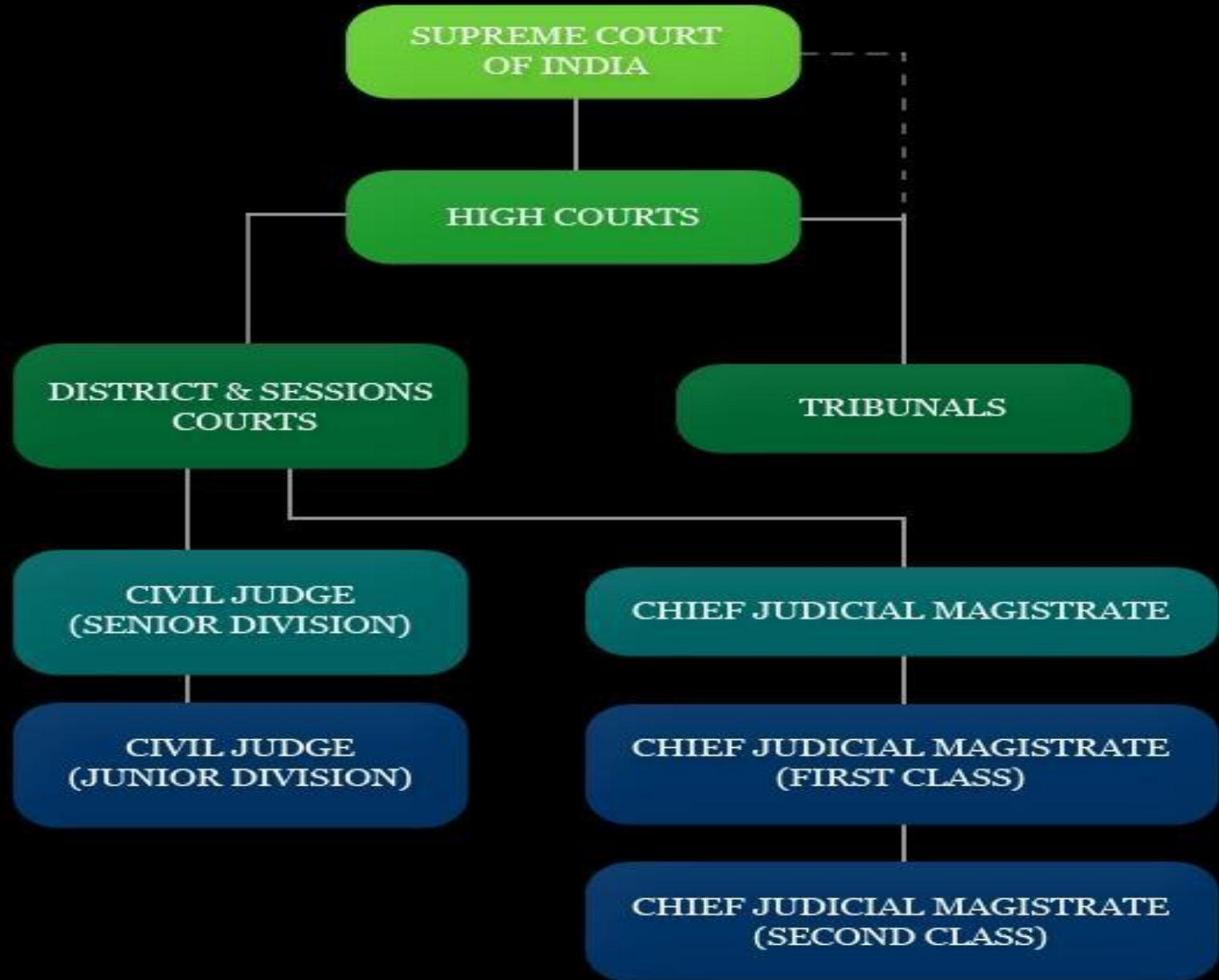
## 4) Judicial Power

- ▶ Judicial power is the power of a court to decide and pronounce a judgment and carry it into effect between persons and parties who bring a case before it for decision.
- ▶ It is the right to determine actual controversies arising between diverse litigants duly instituted in courts of proper jurisdiction.
- ▶ The judicial system of India is classified into three levels with subsidiary parts. The Supreme Court, also known as the Apex Court, is the top court and the last appellate court in India. The Chief Justice of India is its top authority.

# Court System

## Supreme Court

- ▶ The Supreme Court of India is the supreme judicial body of India and the highest court of the Republic of India under the constitution.
- ▶ It is the most senior constitutional court, and has the power of judicial review.
- ▶ The Chief Justice of India is the head and chief judge of the Supreme Court, which consists of a maximum of 34 judges and has extensive powers in the form of original, appellate and advisory jurisdictions.
- ▶ Founded: January 26, 1950, New Delhi, India.
- ▶ Jurisdiction :- Civil, criminal, constitutional and advisory.
- ▶ Authorized by :- Constitution of India.



# High Court

- ▶ The High Courts of India are the highest courts of appellate jurisdiction in each state and union territory of India.
- ▶ However, a High Court exercises its original civil and criminal jurisdiction only if the subordinate courts are not authorized by law to try such matters for lack of pecuniary, territorial jurisdiction.
- ▶ High courts may also enjoy original jurisdiction in certain matters, if so designated specially by the constitution, a state or union law. The work of most high courts primarily consists of appeals from lower courts and writ petitions in terms of Articles 226 and 227 of the constitution.



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